

REMARKS

The Office Action mailed March 21, 2006 has been received and carefully considered. Claims 1 and 4-59 were examined on their merits. Claims 4, 5, 9, 11, 14, 22, 26, 27, 31-33, 35, 36, 38, 44, 47, 48 and 59 have been cancelled. Claims 60-65 have been added. Therefore, claims 1, 6-8, 10, 12, 13, 15-21, 23-25, 28-30, 34, 37, 39-43, 45, 46, 49-58 and 60-65 are currently pending in the present application. It is believed that this Amendment, in conjunction with the following remarks, places the application in immediate condition for allowance.

I. The Indefinite Rejection Of Claims 1 And 25

Claims 1 and 25 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to point out and distinctly claim the subject matter which Applicants regard as the invention. *See* Office Action page 2. More specifically, the Examiner argues that the limitation “said relevant information from said IVR can be forwarded as a unit of work record,” recited in claims 1 and 25, is unclear and confusing because it is unknown how and why “said relevant information from said IVR” is forwarded as a result of the database. *See id.* Furthermore, the Examiner argues that the phrase “such that,” recited in claims 1 and 25, renders the claims indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. *See id.*

The limitations cited by the Examiner as allegedly being indefinite have been removed, and claims 1 and 25 have been amended to recite the following limitation: “a database in communication with said routing switch adapted to store and forward a unit of work record.” Applicants believe these limitations particularly point out and distinctly claim the subject matter sought to be protected. Accordingly, the Examiner is respectfully requested to withdraw the rejection of claims 1 and 25 under 35 U.S.C. § 112, second paragraph.

II. The Anticipation Rejection Of Claims 1 And 4-59

Claims 1 and 4-59 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Maloney et al., U.S. Patent No. 5,684,870 (“Maloney”). Claims 1, 25, and 46 are independent claims. Applicants respectfully request that the Examiner reconsider the rejection for at least the reasons stated below.

To be an “anticipation” rejection under 35 U.S.C. § 102, the reference must teach every element and recitation of the Applicants’ claims. Rejections under 35 U.S.C. § 102 are proper only when the claimed subject matter is identically disclosed or described in the prior art. Thus,

the reference must clearly and unequivocally disclose every element and recitation of the claimed invention.

Maloney discloses a system for transferring calls, along with their corresponding data, between a plurality of call centers (“CCs”). *See, e.g.*, Maloney Abstract. A contact control server (“CCS”) is used to coordinate the transmission of the calls and data between the CCs. *See, e.g.*, *id.* column 5, lines 27-38. The CCs use customer screen profiles containing information collected from a database or a host processor to transfer pertinent information between customer service representatives (“CSRs”) as “screen pops.” *See, e.g.*, *id.* column 6, lines 2-38. A voice response unit (“VRU”) is used to collect information necessary to process calls. Maloney column 4, lines 66-67.

Independent claims 1, 25, and 46 have been amended to more particularly describe the subject matter sought to be protected. Claims 1, 25 and 46 each recite variations of the following limitation: “a unit of work record, said unit of work record comprising all of said information received by said IVR and all other relevant information pertaining to said requestor residing in said database.” The Examiner appears to argue that a CC which permits customer profile/history screen pops and can transfer first screen customer profiles discloses the claimed unit of work record (“UOW”) comprising all of the information received by the interactive voice response unit (“IVR”). *See* Office Action page 3. Applicants respectfully disagree. Maloney fails to disclose any information from a VRU being included in a first screen customer profile. Information collected by a VRU, as disclosed in Maloney, is used by a CC to locate customer records stored in a database or host processor. *See* Maloney column 6, lines 1-4. The located customer records are used to compile a first screen customer profile. *See id.* column 6, lines 2-4. There is absolutely no disclosure in Maloney that information collected by the VRU is stored in a database or host processor, or otherwise is included in the first screen customer profile. Indeed, such disclosure is counter to the very purpose of Maloney. Maloney is directed towards a system for transferring calls between call centers to permit callers to speak to the most qualified or capable CSRs. *See, e.g.*, *id.* Abstract; column 2, lines 40-55. The purpose of using a VRU to store information in a first screen customer profile is to minimize CSR responsibilities, or to actually eliminate CSRs altogether. Accordingly, any disclosure of utilizing a VRU to store information in a first screen customer profile would undermine Maloney’s purpose-routing calls to the most capable CSRs-by eliminating, or reducing the importance of, the very CSRs Maloney

intends to promote the use of. It follows that Maloney does not disclose utilizing a VRU to store information in a first screen customer profile.

Furthermore, even if it is assumed, *arguendo*, that Maloney discloses utilizing a VRU to store information in a first screen customer profile, Maloney fails to disclose utilizing a VRU to store all of the information it collected in a first screen customer profile. A reference may only be relied upon for what it reasonably suggests to one having ordinary skill in the art. *See* M.P.E.P. § 2123; *Merck & Co. v. Biocraft Laboratories*, 874 F.2d 804, 10 USPQ2d 1843 (Fed. Cir.), *cert. denied*, 493 U.S. 975 (1989). Maloney discloses a VRU collecting “information necessary to process calls” and routing a call based on that information. Maloney column 4, line 66 – column 5, line 2. Maloney also discloses transferring “customer identification information” to a CCS. *See*; column 6, line 1. This limited disclosure suggests that “information necessary to process calls” includes both “customer identification information” and information necessary to route the call, and suggests that these sets of information are not identical. As most people familiar with modern automated call systems have experienced, callers are asked numerous automated questions prior to being routed to a CSR; the answers to many of these questions are often not passed to the CSR. For example, most modern systems request the caller to specify the purpose of the call, a preferred language, and to input identification information, such as an account number. Typical purposes include billing, sales, customer service, or technical support. Based on the purpose and language specified by the caller, the caller is routed to the appropriate department or CSR. A CSR in a billing department who only speaks English, for example, does not need, and is not given, a first screen profile including information regarding the purpose of the call-billing-or the preferred language of the caller-English. Contrarily, the CSR does need, and is given, the caller’s identification information. As one skilled in the art would not expect all of the information collected by the VRU to be included in a customer’s screen profile, absent any specific information regarding what comprises “information necessary to process calls” and “customer identification information,” Maloney cannot and does not suggest storing all of the information collected by the VRU in a first screen customer profile, as claimed.

Because Maloney fails to disclose any information from a VRU being included in a first screen customer profile, and does not disclose storing all of the information collected by the VRU in a first screen customer profile, Maloney fails to disclose the claimed UOW comprising all of the information received by the IVR. The Examiner is respectfully requested to reconsider

and withdraw the 35 U.S.C. § 102(b) rejection of independent claims 1, 25 and 46, and any claims that depend therefrom.

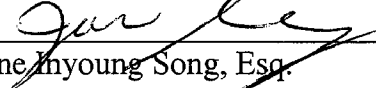
III. CONCLUSION

In view of the above, it is respectfully submitted that the present application is in condition for allowance. In the event that a variance exists between the amount tendered and that required by the U.S. Patent and Trademark Office to enter and consider this Amendment, or to prevent abandonment of the present application, please charge or credit such variance to the undersigned's Deposit Account No. 50-2613, Order No. 33267.00005.CON1.P1068, including the petition for extension of time.

Respectfully submitted,

PAUL, HASTINGS, JANOFKY & WALKER LLP

Date: July 21, 2006

By: 
Jane Inyoung Song, Esq.
Registration No. 48,073

PAUL, HASTINGS, JANOFKY & WALKER LLP

Customer Number: 36183

P.O. Box 919092

San Diego, CA 92191-9092

Telephone: (858) 720-2500

Facsimile: (858) 720-2555